In the High Court of Judicature at Madras

Dated: 20.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.4186 of 2007
and MP.No.1 of 2007

1.N.G. Dhayanandham
2.N.G. Manoharan
3.N.G. Jaikumar
4.N.G. Harikumar
5.N.G. Chandrasekaran
6.N.G. Sridharan ..Petitioners

..vs..

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The City Engineer
Town Planning
Corporation of Chennai
Rippon Building
Chennai.

3.The Executive Engineer
Corporation of Chennai
Division 82, Zone VI
Chennai.

4.Gatraj Jain ..Respondents

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Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus as stated therein.

For Petitioners : Mr. W.A. Abdul Majid

For Respondents : Mr. Mohamed Ghouse for R.1 to 3

Mr. K.S. Raman for R.4

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioners numbering six have filed the above writ petition to issue a Writ of Mandamus forbearing respondents 1 to 3 from permitting the 4th respondent to demolish the property at New No.10, old No.33, Meeran Sahib Street, Mount Road, Chennai-2.

2. Heard the learned counsel for the petitioners as well as respondents, including the contesting 4th respondent.

3. With reference to the grievance/apprehension of the petitioners, the 4th respondent has filed a counter affidavit. The following information in para 3 and 4 of the counter affidavit are relevant, which reads as under.

> " 3. I deny all the allegations made in the affidavit. I state I had applied to Corporation of Chennai for sanction to the plan for demolition of existing superstructure. I had also remitted the demolition charges of Rs.40,000/- to the Corporation of Chennai on 16.02.2007. I undertake not to demolish the building without the approval from Corporation of Chennai.
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> 4. I deny the allegation that demolition of my building would damage the petitioners building. My building has small set back on all the four side. So there is no chance of the petitioners building get damaged. As the owner of the property I am entitled to develop the building in any manner but only subject to the approval by Local Authorities. I respect neighbours. The demolition work will be carried out in more diligent and scientific manner, so that no damage is caused to neighbours property including that of the petitioners. The petitioners apprehension is imaginary and without any basis."

4. It is seen that the 4th respondent has applied to the Corporation of Chennai for sanction of plan for demolishing the existing superstructure and also remitted the required charges on 16.02.2007. In addition to the same, the 4th respondent has specifically given an undertaking that no demolition work will be carried out without the approval from the Corporation of Chennai. Regarding the further allegation that demolition of 4th respondent building would damage the petitioners building, the 4th respondent specifically stated that demolition would be carried out in more

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diligent and scientific manner and no damage would be caused to the neighbouring properties, including that of the petitioners property. All the above statements are hereby recorded. In addition to the same, we hope that the authority concerned will take note of the apprehension of the petitioners and pass appropriate orders in respect of the application of the 4th respondent.

With the above direction/observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/
Asst. Registrar

/true copy/

To

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The City Engineer
Town Planning
Corporation of Chennai
Rippon Building
Chennai.

3.The Executive Engineer
Corporation of Chennai
Division 82, Zone VI
Chennai.

1 CC TO MR.A. MOHAMED GHOUSE, ADVOCAT SR 9818

1 CC TO MR.M. ABDUL MAZEED, SR 9850

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Writ Petition No.4186/07

Dated:20.02.2007

SR(CO)

BP/28.2

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